

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
REVIVE INVESTING LLC, :  
 :  
 Plaintiff, : ORDER  
 :  
 -v.- :  
 : 20 Civ. 618 (ALC) (GWG)  
 FBC HOLDINGS S.A.R.L, :  
 :  
 Defendant. :  
 :  
 and :  
 :  
 SPHERE 3D CORP., :  
 :  
 Nominal Defendant. :  
 -----X

**GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE**

In reviewing the parties' papers, it appears that plaintiff made arguments in its reply supplemental brief (Docket # 48) that were not made in its prior submissions, or at least not made in any detail — most obviously, the argument that the payments did not meet the “independence” requirement of the statutory prior debt exemption (*id.* at 3-6). The defendant is directed to file a letter or memorandum of law addressing this issue no later than December 21, 2020.<sup>1</sup>

SO ORDERED.

Dated: December 14, 2020  
New York, New York

  
\_\_\_\_\_  
GABRIEL W. GORENSTEIN  
United States Magistrate Judge

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<sup>1</sup> Defendant has leave to address any other arguments that were newly-raised in plaintiff's reply supplemental brief.